



**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

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## **Summary of Cases Accepted and Related Actions for Week of June 24, 2013**

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#13-52 *People v. Centeno*, S209957.** (E054600; 214 Cal.App.4th 843; San Bernardino County Superior Court; FVA801798.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Did the prosecutor commit misconduct in closing argument by misstating the state's burden of proof?

**#13-53 *City of Los Angeles v. County of Kern*, S210150.** (F063381; 214 Cal.App.4th 394; Tulare County Superior Court; VCU242057.) Petition for review after the Court of Appeal affirmed the issuance of a preliminary injunction in a civil action. The court limited review to the following issue: Does 28 U.S.C. section 1367(d) require a party to refile its state law claims within 30 days of their dismissal from a federal action in which they had been presented, or does it instead suspend the running of the limitations period during the pendency of the claims in federal court and for 30 days after their dismissal?

**#13-54 *Monterey Peninsula Water Dist. v. Public Utilities Com.*, S208838.** Original proceeding. This case presents the following issue: Does the Public Utilities Commission have the authority to review and regulate a user fee imposed by a local government entity that is collected through the bills of a regulated public utility?

**#13-55 *People v. Prunty*, S210234.** (C071065; 214 Cal.App.4th 1110; Sacramento County Superior Court; 10F07981.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Is evidence of a collaborative or organizational nexus required before multiple subsets of the Norteños can be treated as a whole for the purpose of determining whether a group constitutes a criminal street gang within the meaning of Penal Code section 186.22, subdivision (f)?

**#13-56 *Vasquez v. Greene Motors, Inc., S210439.*** (A134829; 214 Cal.App.4th 1172, mod. 215 Cal.App.4th 764a; Solano County Superior Court; FCS038384.) Petition for review after the Court of Appeal reversed an order denying a petition to compel arbitration in a civil action. The court ordered briefing deferred pending decision in *Sanchez v. Valencia Holding Co. LLC*, S199119 (#12-33), which includes the following issue: Does the Federal Arbitration Act (9 U.S.C. § 2), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U. S. \_\_ [131 S.Ct. 1740], preempt state law rules invalidating mandatory arbitration provisions in a consumer contract as procedurally and substantively unconscionable?

**#13-57 *People v. White, S210702.*** (D060969; nonpublished opinion; San Diego County Superior Court; SCD228290.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Gonzalez*, S207830 (#13-27), which presents the following issue: Was defendant properly convicted of both oral copulation of an unconscious person and oral copulation of an intoxicated person? (See *People v. Craig* (1941) 17 Cal.2d 453.)

## STATUS

**#11-97 *People ex re. Harris v. Pac Anchor Transportation, Inc., S194388.*** The court requested the parties to submit supplemental letter briefs addressing the effect of *American Trucking Associations, Inc. v. City of Los Angeles* (June 13, 2013, No. 11-798) \_\_ U.S. \_\_ [2013 WL 2631059], and *Dan's City Used Cars, Inc. v. Pelkey* (2013) \_\_ U.S. \_\_ [133 S. Ct. 1769] on the question whether the Federal Aviation Administration Authorization Act of 1994 (49 U.S.C. § 14501) (FAAAA) preempts a claim under the state Unfair Competition Law (UCL; Bus. & Prof. Code, § 17200 et seq.) against defendants for alleged misclassification of employees as independent contractors, and other alleged violations of California labor and unemployment insurance laws.

**#12-15 *In re Cipro Cases I & II, S198616.*** The court directed the parties to submit simultaneous supplemental letter briefs discussing the relevance of *Federal Trade Com. v. Actavis, Inc.* (June 17, 2013, No. 12-416) \_\_ U.S. \_\_ [2013 WL 2922122] to the issues in this case.

**#13-13 *Ayala v. Antelope Valley Newspapers, Inc., S206874.*** The court directed the parties to submit simultaneous supplemental letter briefs discussing the relevance of *Martinez v. Combs* (2010) 49 Cal.4th 35, 52-57, 73, and IWC wage order No. 1-2001, subdivision 2(D)-(F) (Cal. Code Regs., tit. 8, § 11010, subd. 2(D)-(F)), to the issues in this case. (See also *Sotelo v. Medianews Group, Inc.* (2012) 207 Cal.App.4th 639, 660-662; *Bradley v. Networkers Internat., LLC* (2012) 211 Cal.App.4th 1129, 1146-1147.)